SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: W. Chapman Road Rezone from A-1 to PCD (Continued from 12/11/07)

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord **CONTACT:** Tina Williamson **EXT:** 7375

MOTION/RECOMMENDATION:

1.Approve a request and enact an ordinance for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) for 11.26 + acres, located on the south side of W. Chapman Rd., between SR 417 and SR 426, approve the attached Development Order and authorize the Chairman to execute the aforementioned documents, based on staff findings (Terra Engineering/Rashad H. Jamalabad); or

- 2. Deny a request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) for 11.26 + acres, located on the south side of W. Chapman Rd., between SR 417 and SR 426, and authorize the Chairman to execute the Denial Development Order (Terra Engineering/Rashad H. Jamalabad); or
- 3. Continue the item to a time and date certain.

District 1 Bob Dallari Tina Williamson

BACKGROUND:

At their meeting on December 11, 2007, the Board of County Commissioners continued this item to their January 22, 2007 meeting, so that the applicant could pursue PCD (Planned Commercial Development) zoning. At this time, the applicant is requesting a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development), in order to operate a boat/truck/RV rental facility, a warehouse and a truck repair/storage facility. The requested uses within the PCD are in accordance with the C-3 (General Commercial & Wholesale) zoning district. The Future Land Use Designation of the subject property is Industrial (IND) which allows the requested zoning district.

<u>Planning and Zoning Commission Recommendation:</u>

Minutes from January 14, 2008 meeting are attached.

STAFF RECOMMENDATION:

Staff recommends the Board approve a request and enact an ordinance for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) for 11.26 + acres, located on the south side of W. Chapman Rd., between SR 417 and SR 426, approve the attached Development Order and authorize the Chairman to execute the aforementioned documents, based on staff findings.

ATTACHMENTS:

- 1. Staff Analysis
- 2. Maps and Aerials
- 3. Maps and Aerials
- 4. Maps and Aerials
- 5. Site Plan
- 6. Development Order
- 7. DO Exhibit B
- 8. Ordinance
- 9. Denial Development Order
- 10. W. Chapman memo and P&Z minutes from TDW 1-14-08

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

W. Chapman Road				
Rezone from A-1 to PCD				
APPLICANT	Terra Engineering / Rashad H. Jamalabad			
PROPERTY OWNER	Chuck Blankenship			
REQUEST	Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development)			
PROPERTY SIZE	11.26 <u>+</u> acres			
HEARING DATE (S)	P&Z: January 9, 2008 BCC: January 22, 2008			
PARCEL ID	16-21-31-5CA-0000-0510 and 16-21-31-5CA-0000-0540			
LOCATION	On the south side of W. Chapman Rd., between SR 417 and SR 426			
FUTURE LAND USE	IND (Industrial)			
ZONING	A-1 (Agriculture)			
FILE NUMBER	Z2007-48			
COMMISSION DISTRICT	#1 – Dallari			

Proposed Development:

The applicant is proposing to develop a boat/truck/RV rental facility, a warehouse and a truck repair/storage facility.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of PCD (Planned Commercial Development).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PCD) (Setbacks from Property Boundaries)
Minimum Lot Size	43,560 sq. ft.	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150'	N/A
Front Yard Setback	50'	25' (north)
Side Yard Setback	10'	50'/25'(east/west)
(Street) Side Yard Setback	50'	N/A
Rear Yard Setback	30'	25' (south)
Maximum Building Height	35'	35'

PERMITTED & SPECIAL EXCEPTION USES:

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses		A-1	PCD
		(existing)	(proposed)
Permitted Uses	Single-family detached, agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.		Any uses permitted in the C-2 District excluding public or private elementary schools, middle schools and high schools. Bakeries, bottling and distribution plants, cold storage and frozen foodlockers, contractors' equipment-storage yards, feed stores, greenhouses-wholesale, industrial trade schools, laundry and dry-cleaning plants, lithography and publishing plants, lumber yards, machinery sales and storage, mechanical garages, bus, cab and truck repair, and storage, paint and body shops, plumbing shops, trade shops, such as, upholstery, metal, cabinet, warehouses, wholesale meat and produce distribution with meat cutting, but not butchering, communication towers when camouflage in design, communication towers when monopole in design if the tower is under one hundred forty (140) feet in height.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.		Living quarters in conjunction with a commercial use to be occupied by the owner or operator of the business or an employee, public utility structures, service stations and gas pumps as an accessory use, hospitals and nursing homes, public and private schools, communication towers when lattice or guyed in design, communication towers when monopole in design if the tower is over one hundred forty (140) feet in height, parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer, flea markets
Minimum Lot Size	1-Acre		N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use designation of the surrounding properties to the east, west and south of the subject parcels is Industrial (IND). The property on the north side of Chapman Road has the Medium Density Residential (MDR) Future Land Use

designation. The properties to the north, south, east and west of the subject property are currently zoned A-1 (Agriculture). Staff finds that the proposed rezone to PCD is consistent and compatible with the surrounding development patterns.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on the FIRM map, with an effective date of 1995, the subject property appears to be outside the 100-year flood plain.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there may be threatened and endangered species on the site. A threatened and endangered species survey will be required prior to Final Engineering approval.

PUBLIC FACILITY IMPACTS:

Rule 9J-5.0055(3)(c)1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The subject property will be required to undergo Concurrency Review prior to Final Engineering approval.

Utilities:

The site is located in the Southeast Seminole County service area. Capacity availability for this project will be determined during the Concurrency process. Seminole County has a 30-inch water main on West Chapman Road and a 16-inch force main on the east side of West State Road 426. The subject properties are in the ten-year master plan for reclaimed water. A separate reclaimed water utility system is required. This system must be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The parcels are adjacent to Chapman Road which is classified as a local road. Chapman Road is not currently programmed to be improved according to the County 5-year Capital

Improvement Program. The developer will be required to bring Chapman Road up to County standards during the final site plan process.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and has limited or no downstream capacity. The site will have to be designed to hold the 25-year, 24-hour storm event onsite at the time of Final Engineering.

Parks, Recreation and Open Space:

The minimum 25% open space is required by the Seminole County Land Development Code Section 30.468

Buffers and Sidewalks:

A 5' ft. sidewalk will be required with the road construction and widening on Chapman Road.

Staff is recommending the following buffers, which are contained in the attached Development Order:

- 1. North property line: 4 canopy trees and 4 understory trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3' within one year of planting. The trees shall be planted so that they do not interfere with any power lines.
- 2. East property line: A minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.
- 3. West property line: A minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.
- 4. South property line: A minimum 8-foot opaque wall or fence and 4 canopy trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3' within one year of planting.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS:

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020):

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy POT 4.5: Potable Water Connection Policy SAN 4.4: Sanitary Sewer Connection Policy PUB 2.1: Public Safety Level-of-Service

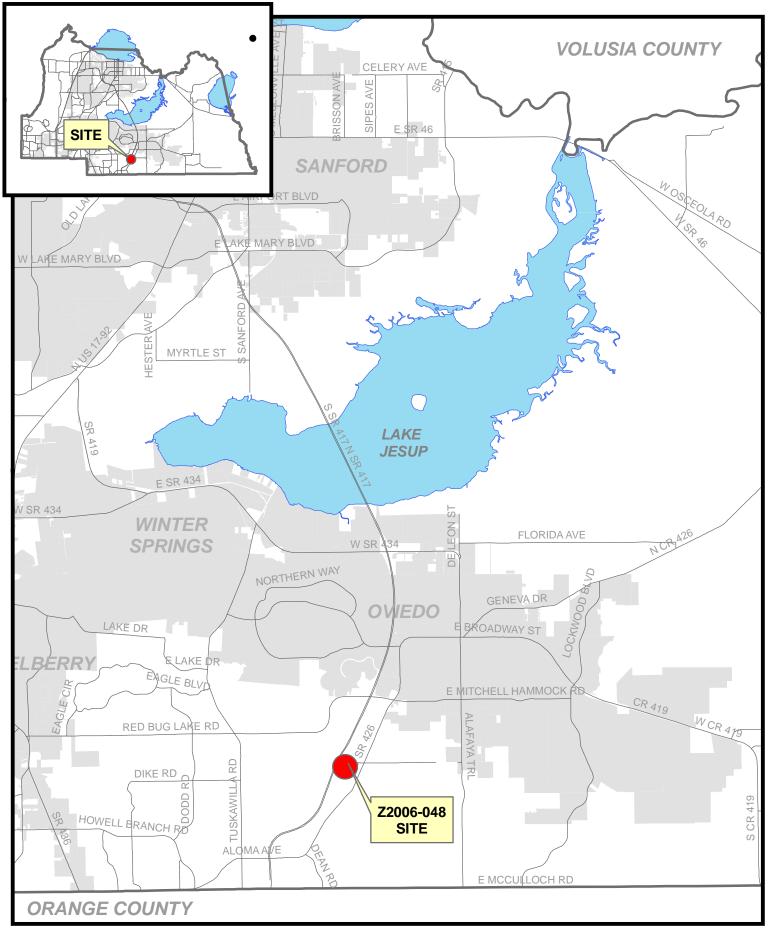
Policy FLU 2.11: Determination of Compatibility in the Planned Unit Development District

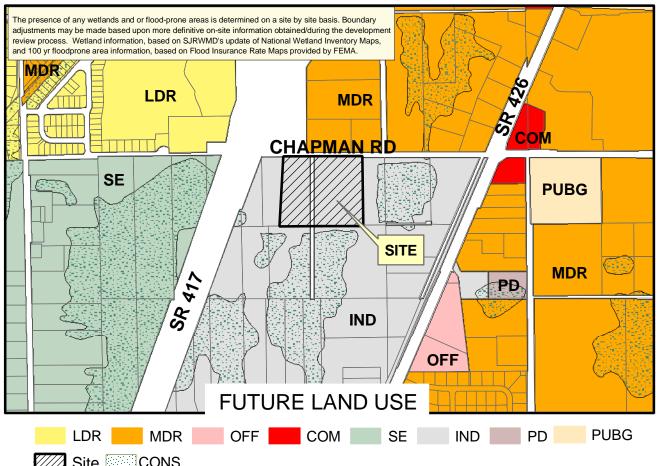
INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice is not required for this development.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.



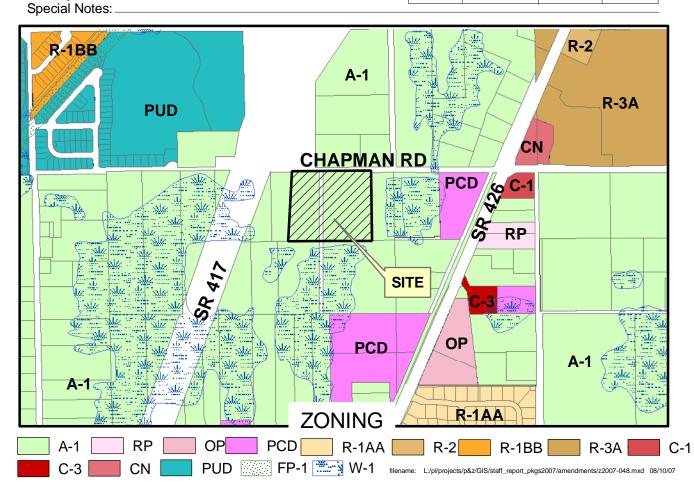


Site CONS

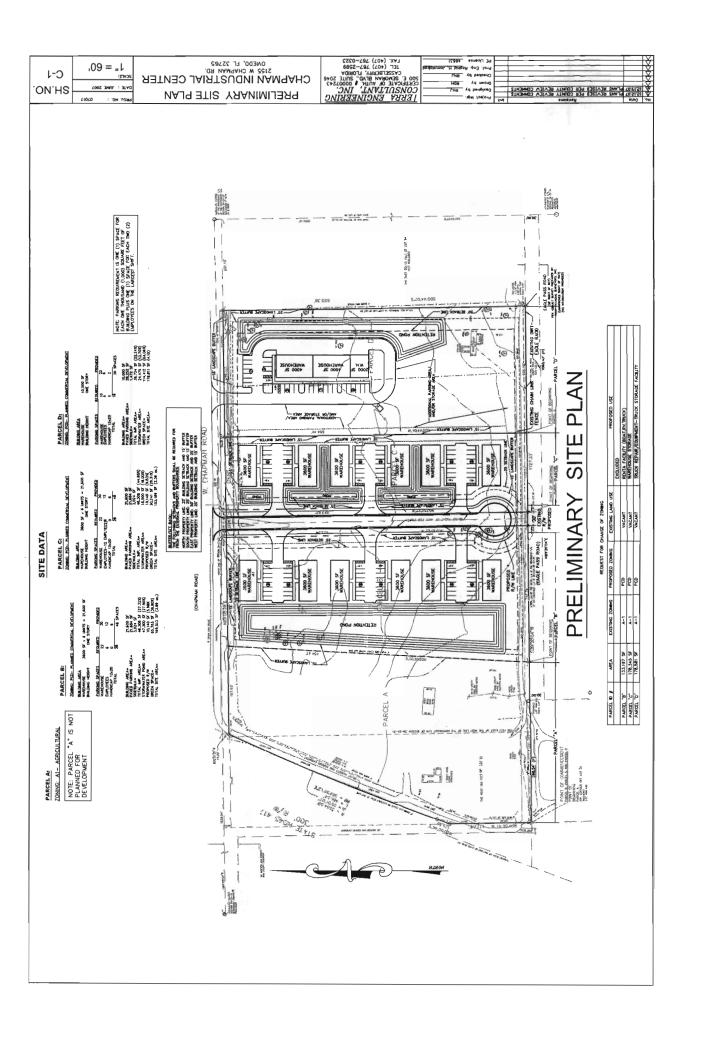
Rashid Jamalabad Applicant: Physical STR: 16-21-31-5CA-0000-0510, 0540 Gross Acres: 11.26 +/-

_ BCC District: _ Existing Use: Residential, Vacant

Amend/ From To Rezone# FLU Zoning Z2007-048 **PCD** A-1







DEVELOPMENT ORDER # 07-20000009

FILE # Z2007-048

SEMINOLE COUNTY DEVELOPMENT ORDER

On January 22, 2008 Seminole County issued this Development Order

relating to and touching and concerning the following described property:

EXHIBIT A LEGAL DESCRIPTION

(The aforedescribed legal description has been provided to Seminole County by

the owner of the aforedescribed property.)

FINDINGS OF FACT

Property Owner: Chuck Blankenship

Project Name: W. Chapman Road Rezone

Requested Development Approval: Rezoning from the A-1 (Agriculture)

zoning classification to the PCD (Planned Commercial Development) zoning

classification.

The Development Approval sought is consistent with the Seminole County

Comprehensive Plan and will be developed consistent with and in compliance to

applicable land development regulations and all other applicable regulations and

ordinances.

The owner of the property has expressly agreed to be bound by and

subject to the development conditions and commitments stated below and has

covenanted and agreed to have such conditions and commitments run with,

follow and perpetually burden the aforedescribed property.

Prepared by:

Tina Williamson, Assistant Planning Manager

1101 East First Street

Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED.**
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - 1. Permitted and Special Exception uses shall be in accordance with the C-3 (General Commercial and Wholesale) zoning district.
 - 2. All development shall comply with the Preliminary Site Plan, attached as Exhibit B.
 - 3. The maximum building square footage shall be limited to 53,200 square feet.
 - 4. Parking shall be provided based upon the uses determined at the time of Final Site Plan. More parking may be required than is shown on the Preliminary Site Plan, depending on the final uses.
 - 5. The following setbacks and buffers shall be required from the external property boundaries:

North Property Line: 25' building setback and 15' buffer South Property Line: 25' building setback and 15' buffer East Property Line: 50' building setback and 25' buffer West Property Line: 25' building setback and 15' buffer

- 6. The required external landscape buffers shall include the following:
 - a. North property line: 4 canopy trees and 4 understory trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3' within one year of planting. The trees shall be planted so that they do not interfere with any power lines.
 - b. East property line: A minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.
 - c. West property line: A minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.

- d. South property line: A minimum 8-foot opaque wall or fence and 4 canopy trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3' within one year of planting.
- The type and quality of all vegetation shall meet the requirements of the Seminole County Land Development Code.
- 7. Internal setback and buffer widths shall be in accordance with the Preliminary Site Plan, attached as Exhibit B. The internal landscape buffers shall include at a minimum 4 canopy trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3' within one year of planting.
- 8. Building height is limited to one-story, not to exceed 35'.
- No less than 25% of the site shall be maintained as open space. Open space areas shall include buffers and grassed or mulched areas, but not gravel or paved surfaces of any kind.
- 10.A 5' sidewalk will be required along the property frontage on W. Chapman Road. Internal sidewalks shall be provided to provide pedestrian connectivity.
- 11. The site development shall meet all requirements specified in the Seminole County Land Development Code and shall be reviewed during the Final Site Plan process. These requirements include, but are not limited to: signage, lighting, drainage, fire safety, utilities and road improvements. The site layout may change based on these requirements.
- (4) This Development Order touches and concerns the aforedescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

FILE # Z2007-048

DEVELOPMENT ORDER # 07-20000009

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By:
Brenda Carey, Chairman
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Chuck Blankenship, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order. Witness Chuck Blankenship Owner Print Name Witness Print Name STATE OF FLORIDA (COUNTY OF SEMINOLE) I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Chuck Blankenship, who is personally known to me or who _____ as identification and has produced who did take an oath. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of ______, 2008. Notary Public, in and for the County and State Aforementioned

My Commission Expires:

EXHIBIT A LEGAL DESCRIPTION

PARCEL B:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 51, SLAVIA COLONY CO.S, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE RUN N89°D44'37"E ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 350.98 FEET TO THE POINT OF BEGINNING; THENCE RUN THENCE RUN N03°D06'02"E A DISTANCE OF 649.99 FEET TO A POINT ALONG THE NORTH LINE OF SAID LOT 51; THENCE RUN N89°D41'39"E ALONG THE NORTH LINE OF SAID LOT 51 A DISTANCE OF 183.51 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN S00°D44'08"E A DISTANCE OF 649.05 FEET TO A POINT ALONG THE SOUTH LINE OF SAID LOT 51; THENCE RUN S89°D44'37"W ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 227.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 133,197 SQ. FT. OR 3.058 ACRES MORE OR LESS.

PARCEL C:

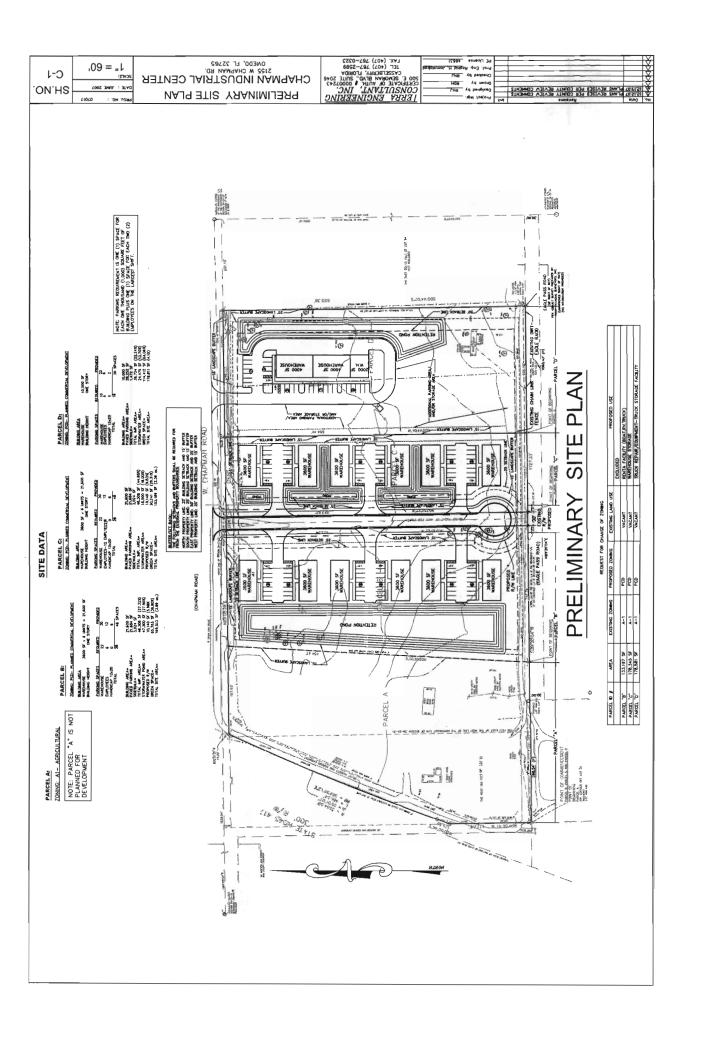
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PARCEL D:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 51, SLAVIA COLONY CO.S, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE RUN N89°D44'37"E ALONG THE SOUTH LINE OF SAID LOT 51 AND THE NORTH LINE OF LOT 54 OF AFORESAID PLAT OF SLAVIA COLONY CO.S A DISTANCE OF 852.97 FEET TO THE POINT OF BEGINNING; THENCE RUN THENCE RUN N00°D44'07"W A DISTANCE OF 649.29 FEET TO A POINT ALONG THE NORTH LINE OF SAID LOT 54; THENCE RUN N89°D41'39"E ALONG THE NORTH LINE OF SAID LOT 54 A DISTANCE OF 275.00 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN S00°D44'07"E ALONG A LINE 201.19 FEET WEST AND PARALLEL TO THE EAST LINE OF SAID LOT 54 A DISTANCE OF 649.53 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 54; THENCE RUN S89°D44'37"W ALONG THE SOUTH LINE OF SAID LOT 54 A DISTANCE OF 275.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 178,582 SQ. FT. OR 4.100 ACRES MORE OR LESS.

EXHIBIT B



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

- (a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "West Chapman Road Rezone."
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.
- **Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PCD (Planned Commercial Development):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

ORDINANCE NO. 2008-

SEMINOLE COUNTY, FLORIDA

Z2007-48

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of filing with the Department and recording of Development Order #07-20000009.

ENACTED this 22nd day of January 2008.

BOARD OF COUNTY COMMISSIONERS SEMINOLE COUNTY, FLORIDA

By:		
,	Brenda Carey, Chairman	

SEMINOLE COUNTY, FLORIDA Z2007-48

EXHIBIT A LEGAL DESCRIPTION

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AREA CONTAINS 133,197 SQ. FT. OR 3.058 ACRES MORE OR LESS.

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AREA CONTAINS 178,582 SQ. FT. OR 4,100 ACRES MORE OR LESS.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 22, 2008, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner: Chuck Blankenship

Project Name: W. Chapman Road Rezone

Requested Development Approval: Rezoning from the A-1 (Agriculture) zoning classification to the PCD (Planned Commercial Development) zoning classification.

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to PCD (Planned Commercial Development) is not compatible with the surrounding area to the south and could not be supported.

After fully considering staff analysis titled "W. Chapman Road Rezone" and all evidence submitted at the public hearing on January 22, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for development approval is **DENIED**. **Done and Ordered on the date first written above.**

OF	COUNTY COMMISSIONERS
By:	
	Brenda Carey, Chairman

SEMINOLE COUNTY BOARD

EXHIBIT A LEGAL DESCRIPTION

PARCEL B:

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AREA CONTAINS 133,197 SQ. FT. OR 3.058 ACRES MORE OR LESS.

PARCEL C:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 51, SLAVIA COLONY CO.S, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE RUN N89°D44'37"E ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 577.98 FEET TO THE POINT OF BEGINNING; THENCE RUN THENCE RUN N00°D44'08"W A DISTANCE OF 649.05 FEET TO A POINT ALONG THE NORTH LINE OF SAID LOT 51; THENCE RUN N89°D41'39"E ALONG THE NORTH LINE OF LOT 51 AND THE NORTH LINE OF LOT 54 OF AFORESAID PLAT OF SLAVIA COLONY CO.S A DISTANCE OF 275.00 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN S00°D44'07"E A DISTANCE OF 649.29 FEET TO A POINT ALONG THE SOUTH LINE OF SAID LOT 54; THENCE RUN S89°D44'37"W ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 275.00 FEET TO THE POINT OF BEGINNING. AREA CONTAINS 178,516 SQ. FT. OR 4.098 ACRES MORE OR LESS.

PARCEL D:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 51, SLAVIA COLONY CO.S, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE RUN N89°D44'37"E ALONG THE SOUTH LINE OF SAID LOT 51 AND THE NORTH LINE OF LOT 54 OF AFORESAID PLAT OF SLAVIA COLONY CO.S A DISTANCE OF 852.97 FEET TO THE POINT OF BEGINNING; THENCE RUN THENCE RUN N00°D44'07"W A DISTANCE OF 649.29 FEET TO A POINT ALONG THE NORTH LINE OF SAID LOT 54; THENCE RUN N89°D41'39"E ALONG THE NORTH LINE OF SAID LOT 54 A DISTANCE OF 275.00 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN S00°D44'07"E ALONG A LINE 201.19 FEET WEST AND PARALLEL TO THE EAST LINE OF SAID LOT 54 A DISTANCE OF 649.53 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 54; THENCE RUN S89°D44'37"W ALONG THE SOUTH LINE OF SAID LOT 54 A DISTANCE OF 275.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 178,582 SQ. FT. OR 4.100 ACRES MORE OR LESS.

PLANNING AND DEVELOPMENT DEPARTMENT



Planning Division

MEMORANDUM

DATE:

January 14, 2008

TO:

Board of County Commissioners, Cindy Coto, County Manager, Sabrina

O'Bryan, Asst. County Manager, Robert McMillan, County Attorney, Dori

DeBord, Planning and Development Director

FROM:

Tina Williamson, Asst. Planning Manager

RE:

Item #33-Chapman Road rezone from A-1 to PCD

The Planning and Zoning Commission/LPA recommendation for Item #33 is as follows:

At their January 9, 2008 regular meeting, the Planning and Zoning Commission/LPA voted 5 to 0 to recommend denial of the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) for 11.26 <u>+</u> acres, located on the south side of W. Chapman Rd., between SR 417 and SR 426.

Also, please find attached the Planning and Zoning Commission/LPA minutes for the above referenced item. Thank you.

MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY/ PLANNING AND ZONING COMMISSION

WEDNESDAY, JANUARY 9, 2008

Commission members present: Ben Tucker, Melanie Chase, Dudley Bates, Walt Eismann, and Kim Day.

Commission members absent: Rob Wolf, Matthew Brown

Also present: Dori DeBord, Director of Planning and Development; Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Ian Sikonia, Senior Planner; Austin Watkins, Senior Planner; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw-Hudson, Clerk to the Commission.

W. Chapman Rd (2155) Rezone; Terra Engineering / Rashid H Jamalabad, P.E., applicant; 11.26± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located on the south side of W. Chapman Rd, between SR 417 and SR 426. (Z2007-48)

Commissioner Dallari - District 1 Tina Williamson, Asst. Planning Manager

Tina Williamson stated that this item had been previously heard by this board on November 7, 2007. At that time the applicant was requesting C-3 zoning. The Planning and Zoning Commission voted 4 – 0 to recommend denial to the BCC at that time. At the BCC meeting on December 11, 2007, the BCC voted to continue this item to the January 22, 2008 meeting so that the applicant could pursue the PCD zoning request. The applicant is now requesting PCD zoning with permitted uses of the C-3 (General Commercial and Wholesale Zoning District). The maximum requested square feet is 53,200 square feet.

Buffers recommended by staff are:

- a. North property line, adjacent to Chapman Road: 4 canopy trees and 4 understory trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3 feet within one year of planting. The trees shall be planted so that they do not interfere with any power lines.
- b. East property line: A minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.

- c. West property line: A minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.
- d. South property line: A minimum 8-foot opaque wall or fence and 4 canopy trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3 feet within one year of planting.

Ms. Williamson stated that the future land use designation of the property is industrial, which does allow the requested zoning. Staff finds that the requested PCD zoning district and associated development order are compatible with the surrounding zoning and land use patterns. Approval is recommended.

Commissioner Bates asked why the PCD was more acceptable than the straight zoning.

Ms. Williamson said that a PCD will have buffering standards. These standards are similar to the ones used in the Big Boys Storage PCD further to the south.

Rashid Jamalabad was present for the owner to answer questions.

No one spoke in favor of the application from the audience.

Mark Bay of 2210 Eagle Pass Road lives to the east of the project. He was concerned because the truck repair portion of the project will be in his back yard. He guoted a BCC staff report which listed the exclusion of truck repair specifically in the development order. Mr. Bay said that he appreciated 3-foot hedges, but the maximum permitted building height is 35 feet. An 8-foot wall is not enough to buffer his property from this. Staff could take into account the people who are already in the neighborhood. He quoted the finding in the current staff report that staff finds the request consistent and compatible with the surrounding development patterns. The surrounding land is residential at the present, and no one is moving. This request is incompatible. Mr. Bay stated that he would like to see the truck repair/warehouse/storage moved to Parcel A in the site development plan. There is muck here. There will be a tremendous amount of fill needed. Since they widened the nearby highway, drainage is poor. There should be some semblance of peace for the neighbors. He is skeptical of the fact that the site is not wetlands. Mr. Bay asked that consideration should be given to the current neighbors. Please deny this. If not, make changes in the plans.

Catherine Rodenburg spoke next. She pointed out that Chapman Road is not paved, and that there were no future plans for it to be paved. Eagle Pass Road and Chapman Road are dirt roads that are narrow. Also, the retention ponds from SR 426 overflow now. There are bobcat, indigo snakes and box turtles present in the site.

Chris Larsen of 2235 Eagle Pass Road is opposed to the project. He is very concerned with drainage in the area.

Ted Gale of 1960 W. Chapman Road said that the property is wet. The State bought part of his property and put a retention pond on it. Things are still wet. There are wells on the property that need to be capped. He does not want the road paved. He is opposed to the application.

Rashid Jamalabad said that Chapman Road is higher than the surrounding land. He will go through the review process. The buffers and setbacks will enhance the area. There will be road improvements the water problems will be dealt with.

Commissioner Day asked if the phase one environmental study had been completed.

Mr. Jamalabad said that the study had not been completed. The area is a lowland, not a wetland.

Commissioner Day asked about the fill being brought in. How much will be needed?

Mr. Jamalabad said that care would be taken with the fill. He will not cause any drainage issues.

Commissioner Day asked about the additional parking and storage area designated on the site plan. What is that and how would it work with the drainage?

Mr. Jamalabad said that area would remain open for overflow parking. Mr. Jamalabad said that it is designated for temporary future storage. The open space on the project is beyond the minimum required.

Commissioner Day noted that if Mr. Jamalabad uses the area for overflow parking, there would not be enough open space.

Mr. Jamalabad said that the area would not be paved. It would be used for overflow parking. He has more than enough open space for the project.

Commissioner Day said that people would not want to park oversized vehicles on low-lying land. Some kind of stabilized base would be needed.

Mr. Jamalabad said that if a stabilized base were needed he would have to come back to the County for review.

Commissioner Day asked about the road. It appears to be a 15 foot wide lane. If there would be a minimum of 4 employees for each of the buildings on the site plan, there is a question here.

Mr. Jamalabad said that Chapman Road is a narrow dirt road with a 3-foot ditch next to it. There will have to be a review to bring the road up to County standards. This will be done later.

Commissioner Tucker asked about the right-of-way width of Chapman.

Ms. Williamson said that the right-of-way would be brought up to county standards at the time of final site plan review.

Commissioner Tucker asked about the donation of land, for the road. Mr. Gale had been concerned about this issue. Commissioner Tucker said that a 50-foot right-of-way is needed. Wells should be capped according to established procedure.

Commissioner Tucker said that he was concerned with free-flowing artesian wells being capped. He noted that a threatened and endangered species concern was mentioned by the neighbors.

Ms. Williamson said that a threatened and endangered species study will be done at the time of final engineering.

Commissioner Tucker noted the "muck issue."

Ms. Williamson said that a soil analysis will be done at the time of final engineering. This problem would be addressed at that time.

Commissioner Tucker asked if the presence of cypress trees indicated the presence of wetlands. There are cypress trees on the property.

Commissioner Tucker asked about the permitted use issue mentioned by a speaker.

Ms. Williamson said that the permitted uses on page 4 of the staff report are C-3 permitted uses as well as those in C-2 zoning with noted exclusions. The requested use is permitted.

Commissioner Bates asked about the buffering. Ms. Williamson said that the eastern buffer was the one being questioned. There is to be a minimum 8-foot opaque wall or fence, and 12 canopy trees, 24 understory trees and 204 shrubs evenly spaced along the property line.

Commissioner Chase asked if there would be an 8-foot wall on all 4 sides of the property.

Ms. Williamson said that there would be an 8-foot wall on 3 sides of the property. The north property line would not have to have the wall. Along Chapman there will be 4 canopy trees and 4 understory trees per 100 linear feet of buffer and a continuous shrub hedge that will attain a height of 3 feet within one year of planting. The trees shall be planted so that they do not interfere with any power lines.

Commissioner Chase said that was not much of a buffer.

Ms. Williamson said that was done according to the Land Development Code for road right-of-ways and parking areas.

Commissioner Tucker said that this infill issue of inserting industrial in a residential area is the concern. He has no doubt that all of this is done according to the Land Development Code. When one is the first one in, it can be expected that it will be a concern to long-term residential neighbors. Mr. Tucker said that he is not opposed to this use in this location at some point in the future. He noted that today you cannot use just our standing Code and be fair to either party. People will be calling for noise problems when trucks are worked on at night. It will be an incompatibility to both parties. Based on what he sees now, Commissioner Tucker said that he was not comfortable voting for this, as with the previous request.

Commissioner Chase said that this project is on a much more narrow part of Chapman Road than the other PCDs mentioned in the meeting tonight. The lane is too narrow. She feels the area is not ready for this.

Commissioner Chase made a motion to recommend denial of the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) for 11.26 <u>+</u> acres, located on the south side of W. Chapman Rd., between SR 417 and SR 426.

Commissioner Eismann seconded the motion.

The vote was 5-0 in favor of the motion.